



CITY APPOINTEES
 MARY SHARP, VICE CHAIR
 BERLIN BOYD
 RUSTY LINKOUS
 MARGARET PRITCHARD
 JAMES TOLES

MEMPHIS AND SHELBY COUNTY LAND USE CONTROL BOARD

EST. 1922 AS MEMPHIS PLANNING COMMISSION - REORGANIZED IN 1976
 JOSH WHITEHEAD, AICP, SECRETARY
 CITY HALL - 125 N. MAIN ST., STE. 468 - MEMPHIS, TENNESSEE 38103 - (901) 576-6610



COUNTY APPOINTEES
 JON MCCREERY, CHAIR
 ROBERT NORCROSS
 EMILY TRENHOLM
 LISA WILBANKS
 ROSLYN WILLIS

MINUTES July 12, 2012

Meeting Attendance

LUCB Board Members

OFFICERS/MEMBERS	NAME	PRESENT	ABSENT
Chairman	Jon McCreery	X	
Vice Chairman	Mary Sharp	X	
Member	Berlin Boyd	X	
Member	Rusty Linkous	X	
Member	Margaret Pritchard		X
Member	Robert Norcross	X	
Member	James Toles		X
Member	Emily Trenholm	X	
Member	Lisa Wilbanks	X	
Member	Rosalyn Willis	X	
Alternate Member	Frank Colvett, Jr.	X	

Call to Order and Roll Call

Chairman McCreery called the meeting to order at 10:00 a.m. Josh Whitehead called the roll. There was a quorum.

LUCB Staff: Josh Whitehead, Secretary of Land Use Control Board, Brian Bacchus, Don Jones, Gregory Love, Terry Langlois, and Chip Saliba.

Others Present: David Bray and Rev. Franklin DeBerry

Chairman's Opening Remarks

Chairman McCreery read the General Order of the Public Hearing proceedings and the Conflict of Interest Statement.

Secretary's Report

There was none.

Approval of Minutes: June 14, 2012

Board Member Linkous made a motion to approve the minutes with the noted corrections. Board Member Wilbanks seconded the motion. The motion passed unanimously.

General Order of Public Hearing

Chairman McCreery explained the procedure for hearing the applications; staff presentation for the application; applicant comments; comments from the public; time limits; rebuttal; and the LUCB's discussion and action. The Consent Agenda Items 1 and 2 were read. Chairman McCreery also explained the procedure for hearing the Consent Agenda Items. He then introduced Board Member Frank Colvett to be the Subdivision Chair and to read the Consent Agenda Items.

Consent Agenda (Items 1 and 2)

1. CASE NUMBER: S 03-023

DEVELOPMENT NAME: MALONE PARK SUBDIVISION SECTION B

Request: Revise the requirements to: 1. Remove Note 2 which requires that all future houses on lots fronting on Main Street have to face Main Street and all the future houses on lots fronting on Second Street must face Second Street; 2. Adjust the minimum and maximum front yard setbacks to allow a minimum setback of 10 feet and a maximum setback of 15 feet

Staff's Recommendation: Approval with conditions

2. CASE NUMBER: S 12-008

DEVELOPMENT NAME: PARK/GETWELL SUBDIVISION

Request: 2-Lot Re-subdivision of Lot 3, Park Getwell Subdivision

Staff's Recommendation: Approval with conditions

Board Member Wilbanks made a motion to approve Consent Agenda Items 1 and 2. The motion was seconded by Board Member Wilbanks. The motion passed unanimously.

REGULAR AGENDA ITEMS:

Chairman McCreery stated Ms. Sharp would serve as Zoning Chair since Board Member Pritchard was not present. He then called the first case.

Item 3: CASE #: P.D. 12-307 MCLEMORE-FOURTH PLANNED DEVELOPMENT

Request: Planned development for a 4,800 sq. ft. retail building to allow Commercial Mixed Use (CMU-1) District land uses

Staff's Recommendation: Approval with conditions

Chairman McCreery asked if the applicant was present and in agreement with staff's recommendation and if there were any opposition. There was opposition. Chairman then asked staff to present a staff report.

Brian Bacchus gave a brief summary of the staff report which included the location of the property and proposed plan for McLemore-Fourth Planned Development. He noted the site plan proposed a 4,800 sq. ft. retail building in a commercial mixed use zoning district.

He presented aerial pictures, property boundaries; aerial and zoning maps of the property which included other publicly and privately owned properties. He also outlined the applicant's proposed landscaping, parking, curb-cut design and location of dumpster on the site. Brian noted that staff's recommendation was to construct a 2-story structure to be located next to the street with parking to the rear of the property.

Chairman McCreery asked the applicant to approach the podium to give comments.

David Bray approached and stated his name and address as 2950 Stage Plaza North and that he did not agree with staff's recommendation and conditions. He stated that he thought the 2-story building was an option for the site plan and not a mandate for approval. He noted that he and his client is fine with the staff report, but the neighbors were opposed to a 2-story building on the site positioned next to the street. David also stated the applicant would prefer the building be set back from the street and has parking in the front yard for safety of their customers and/or clientele. He added that he would like to work with the residents in regards to what they want for their neighborhood, because once the business is operating, the applicant wants them to support and patronize their business. David presented a revised site plan for a neighborhood market that the residents approved with landscaping, building setback with parking in the front yard.

Chairman McCreery asked the residents in opposition to approach and give comments.

Rev. Franklin DeBerry, Pastor of Tree of Life Baptist Church approached and stated his name and address as 407 E. McLemore. He stated that residents in the area are trying to make a safe community and have a business that would be suitable for the area. He added that the first site plan about 72 residents were in opposition, but the alternate plan that was presented that morning was agreeable with the residents that came to the meeting. He also stated that the residents were concerned with what goes into or what is being sold in the building. He noted other businesses that's an eyesore to the community and operated as a "Juke Joint".

Chairman McCreery asked the applicant to approach to give his rebuttal comments.

David Bray approached and stated that he was aware of what the residents wanted for their neighborhood as well as what was economically better for the applicants and meet the requirements.

Chairman McCreery made a motion to approve Agenda Item 3, Case # P.D. 12-307 as presented by OPD staff with the site plan located next to the street. The motion was seconded by Board Member Colvett. Chairman McCreery then opened the floor for discussion.

Board Member Trenholm stated that she supports the staff's recommended site plan, because it's consistent with the UDC requirements and other commercial buildings in the neighborhood, but added that she did not like the site plan being a two(2) story building.

Brian Bacchus stated that the two(2) story plan was a requirement in the Outline Plan Conditions.

Chairman McCreery noted that an amendment was needed to change the two (2) story requirement to a one (1) story building requirement.

Board Member Trenholm made a motion to delete Condition I.B. that required a two (2) story building. The motion was seconded by Board Member Sharp. The motion passed unanimously.

Chairman McCreery stated that he agreed with Board Member Trenholm with her expertise in urban development and struggled with the concerns and issues residents posed regarding their safety if they patronized the store. Board Member Trenholm stated that there was no evidence of there being a safety concern.

Board Member Boyd stated that he agreed with Chairman McCreery since the residents were the ones who live in the area and who would be patronizing the store. He added that the applicant's recommended elevation plans were hideous and a building like that should not be in that area. He felt that applicants should propose structures that enhance and compliment the neighborhood.

Board Member Sharp shared an experience of patronizing a business (Collins Barbershop/Nail Shop) in the area and having to park near the curb next to a garbage dumpster that smelled. She added that she would have been afraid to park in the rear and that's why she's in agreement with Chairman McCreery in what the neighbors would like to see for their area.

Chairman McCreery asked Josh Whitehead the process of implementing and voting on the alternate site plan the applicant posed at the meeting and eliminating the staff's plan.

Josh Whitehead stated that the LUCB could amend the motion to approve the newly submitted site plan with a caveat that between now and City Council's vote, get revised site, floor and elevation plans to staff.

Board Member Boyd amended the main motion to approve the newly submitted site plan by the applicant's representative with the caveat that between now and City Council's vote, a revised site plan with elevation and floor plans be submitted to staff. The motion was seconded by Board Member Sharp. The motion as amended passed by a 6-3 vote with Chairman McCreery and Board Members Boyd, Linkous, Norcross, Sharp and Wilbanks voting Aye and with Board Members Trenholm, Willis and Colvett voting Nay.

ADJOURNMENT:

There being no further business, the meeting there upon adjourned.

MINUTES APPROVED: 8-9-12

CHAIRMAN

SECRETARY